

Attorney Docket: 298-170

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** 2004 DEC 30 AM 10:26

Applicant: Anton Gaile

Examiner: Devon C. Kramer

Serial No.: 10/644,134

Group Art Unit: 3683

Filed: August 20, 2003

Docket: 298-209

For: SPRING ELEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: REFUND SECTION,  
ACCOUNTING DIVISION,  
OFFICE OF FINANCE

**REQUEST FOR REFUND**

**I. REFUND REQUEST**

This request for refund is made within two months of the date a fee was paid in this application on October 22, 2004 in the amount of \$1,530.00.

**CERTIFICATION UNDER 37 C.F.R. §1.8 (a)**

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Refund Section, Accounting Division, Office of Finance, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 22, 2004

  
Valerie J. Senatore

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))	_____
<input type="checkbox"/> extension of term	_____
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input checked="" type="checkbox"/> fourth month	<u>1530.00</u>
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____
<input type="checkbox"/> patent maintenance fee	_____
<input type="checkbox"/> first maintenance fee	_____
<input type="checkbox"/> second maintenance fee	_____
<input type="checkbox"/> third maintenance fee	_____
<input type="checkbox"/> patent maintenance fee surcharge	_____
<input type="checkbox"/> other _____	_____
_____	
_____	
TOTAL REFUND REQUESTED	<u>\$1,530.00</u>

III. REASON FOR REQUEST:

In the response to the Notice of Incomplete Reply mailed, under Certificate of Express Mail on October 22, 2004, it was pointed out all papers submitted with the previous reply on June 25, 2004 addressed all outstanding informalities.

A verified English translation of the entire application text, including the drawings, was enclosed with the reply filed June 25, 2004, satisfying the requirement under 37 CFR §1.52(d)(1) for a verified English translation of the entire application text, including the drawings.

As a courtesy to the Patent and Trademark Office, an additional reply with enclosures was filed October 22, 2004 with extension of time fees. However, as pointed out in this additional reply, since a complete reply to the previous Notice to File Missing Parts was filed on June 25, 2004, there is absolutely no requirement for a petition of extension of time to file the further reply. Accordingly, as stated in the additional reply once the enclosures with the additional reply have been entered as acceptable, a request for refund of the petition fee will be filed in this application.

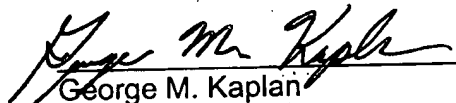
The Official Filing Receipt was mailed November 3, 2004. Accordingly, this Refund Request is being submitted since need for any extension of time is unnecessary.

IV. MANNER OF REFUND

☒ Crediting Deposit Account No. 04-1121;

☐ Refunding payment.

Respectfully requested,

  
George M. Kaplan  
Reg. No. 28,375

DILWORTH & BARRESE  
333 Earle Ovington Boulevard  
Uniondale, NY 11553  
(516) 228-8484

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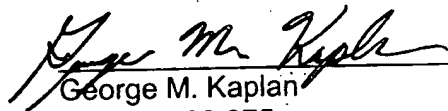
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 298-209	
In re Application of Gaile			
Application Number 10/644,134		Filed 08/20/03	
For SPRING ELEMENT			
Group Art Unit		Examiner	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- |   |             |
|---|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))              | \$ 110.00   |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))             | \$ 430.00   |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))           | \$ 980.00   |
| <input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ 1,530.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))            | \$ 2,080.00 |

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1121.  
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

- ☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ attorney or agent of record.
- ☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

10/22/04

Date

  
Signature

George M. Kaplan (28,375)

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV503875231 US addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 22, 2004

Adjustment date: 02/09/2005 SDIRETA1  
10/26/2004 DEMMANU1 00000043 10644134  
01 FC:1254 -1530.00 OP

Repln. Ref: 02/09/2005 SDIRETA1 0014223600  
DAH:041121 Name/Number:10644134  
FC: 9204 \$1530.00 CR



10-25-04

Page 1 of 2

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

1FW \$

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/644,134	08/20/2003	Anton Gaile	298-209

Rocco S. Barrese  
DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

CONFIRMATION NO. 5331

## FORMALITIES LETTER



\*OC000000013358132\*

Date Mailed: 07/27/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 06/25/2004 to the Notice to File Missing Parts (Notice) mailed 04/22/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 3, 4, 7, 8 & 9.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*